

NOV 12 2004

**Yee &  
Associates, P.C.**4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244Main No. (972) 385-8777  
Facsimile (972) 385-7766

---

**Facsimile Cover Sheet**

---

<b>To: Commissioner for Patents for Examiner Suresh Suryawanshi Group Art Unit 2115</b>	<b>Facsimile No.: 703/872-9306</b>
<b>From: Michele Morrow Legal Assistant to Francis Lammes</b>	<b>No. of Pages Including Cover Sheet: 13</b>
<b>Message:</b>  <b>Enclosed herewith:</b> <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Response to Office Action.</li></ul>	
<b>Re: Application No. 09/527,398 Attorney Docket No: AUS000147US1</b>	
<b>Date: Friday, November 12, 2004</b>	
<b>Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION  
BY FAXING A CONFIRMATION TO 972-385-7766.**

**RECEIVED  
CENTRAL FAX CENTER**

NOV 12 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Aguilar et al.**Serial No.: **09/527,398**Filed: **March 16, 2000****For: Method and Apparatus for  
Updating Boot Code in a Data  
Processing System on a Local Storage  
Device****39698**PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER§  
§  
§  
§  
§  
§  
§  
§  
§Group Art Unit: **2115**Examiner: **Suryawanshi, Suresh**Attorney Docket No.: **AUS000147US1****Certificate of Transmission Under 37 C.F.R. § 1.8(a)**I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306  
on November 12, 2004.

By:

  
Michele Morrow**TRANSMITTAL DOCUMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

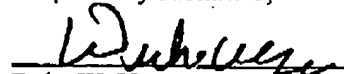
Sir:

ENCLOSED HEREWITH:

- Response to Office Action.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0563. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0563.

Respectfully submitted,



Duke W. Yee

Registration No. 34,285

YEE &amp; ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANTS

**RECEIVED  
CENTRAL FAX CENTER**

NOV 12 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: Aguilar et al.

Serial No.: 09/527,398

Filed: March 16, 2000

For: Method and Apparatus for  
Updating Boot Code in a Data  
Processing System on a Local Storage  
Device§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Group Art Unit: 2115

Examiner: Suryawanshi, Suresh

Attorney Docket No.: AUS000147US1

**Certificate of Transmission Under 37 C.F.R. § 1.8(a)**I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-  
9306, on November 12, 2004.

By:

  
Michele Morrow**RESPONSE TO OFFICE ACTION**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0563. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0563.

In response to the Office Action dated August 12, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.